

TIMOTHY ZINDEL, #158377
P.O. Box 188976
Sacramento, CA 95818
Tel: (916) 704-2665
timzindel@gmail.com

Attorney for Defendant
CYNTHIA SEELEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:20-CR-0202 WBS
)
Plaintiff,)
) **STATUS REPORT AND REQUEST TO**
 vs.) **APPROVE APPEARANCE WAIVER;**
) **ORDER**
CYNTHIA SEELEY,)
)
Defendant.) Judge: Hon. William B. Shubb
) Date: May 30, 2023
) Time: 9:00 a.m.
)
_____)

Defense counsel submits this status report to alert the Court to the possibility that Ms. Seeley will not be present at the trial confirmation hearing scheduled for Tuesday, May 30. Counsel is aware that this Court requires defendants to be personally present at trial confirmation hearings unless otherwise ordered by the Court. While Ms. Seeley is endeavoring to be present, counsel recognizes that her vehicle is unreliable and she presently lacks other means of reaching the courthouse in time for the hearing. Accordingly, counsel submits the

1 attached proposed order approving her waiver of appearance (doc.
2 41, filed January 3, 2023). Specifically, counsel asks the
3 Court to exercise its discretion to approve the waiver if Ms.
4 Seeley's efforts to reach the courthouse for Tuesday's hearing
5 should fail.

6 Ms. Seeley has been homeless since before the Camp Fire
7 tore through her former home in Magalia, California, in November
8 2018. She is 69 years old and has been diagnosed with Post-
9 Traumatic Stress Disorder and Schizophrenia. She was arraigned
10 via Zoom on November 4, 2020, after driving herself to Court
11 when agents advised her that a warrant had been issued. Having
12 no prior record, she was ordered released on her own
13 recognizance. During the ensuing two and a half years, she has
14 maintained regular contact with defense counsel despite ongoing
15 challenges in her personal life and the absence of any reliable
16 housing. Counsel last met with Ms. Seeley in person one week
17 ago. She lives in her pickup truck in a parking lot in
18 Riverside County. Her sole income is a monthly disability
19 payment.

20 Ms. Seeley has pleaded not guilty and looks forward to
21 trial in this case, which alleges an \$11,604.79 loss based on
22 allegations that Ms. Seeley falsely represented to the Federal
23 Emergency Management Agency "that she rented a mobile home
24 [which] was her primary residence at the time of the wildfire."
25 Indictment (doc. 1).

26 Defense counsel is concerned that Ms. Seeley's pickup may
27 not run well enough to get her from Riverside to Sacramento in
28

time for the hearing, despite her desire to be present. Trial
is scheduled for June 27. Ms. Seeley will be present for trial
and she understands the necessity of her appearance at trial.
However, counsel asks that the Court approve her waiver for the
trial confirmation hearing so that her appearance is excused in
the event she cannot reach Court (as of this writing, she is
still trying). Counsel will focus on assuring Ms. Seeley's
presence for trial.

Respectfully Submitted,

Dated: May 25, 2023

/s/ T. Zindel

TIMOTHY ZINDEL

Attorney for CYNTHIA SEELEY

ORDER

If defendant's pickup may not run well enough to get her to Sacramento in time for the trial confirmation hearing, it is not at all clear to the court how we can be assured she will be able to get to Sacramento for trial and remain here throughout the trial. The court is not willing to go through the charade of confirming this case for trial only to find out at the last minute that she is unable to get here because her vehicle is not sufficiently reliable. Accordingly, the request for waiver of defendant's personal appearance at the trial confirmation is

DENIED. At the trial confirmation hearing the court will further discuss with counsel and the defendant the logics of her personal appearance at trial.

IT IS SO ORDERED.

Dated: May 25, 2023

William H. Shubbe.

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE